

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

State of Wisconsin

-VS-

**Order on Positive
Adjustment Time**

_____, Defendant

Name

Case No. _____

Date of Birth

THE COURT FINDS:

1. The Department of Corrections (DOC) or the Earned Release Review Commission (ERRC) notified the Court that the defendant was approved for positive adjustment time because s/he is within 90 days of release to extended supervision and was convicted of

- ☐ a. a misdemeanor or a Class F to Class I felony that is not a violent offense, AND
- is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, or a violation of §940.11(1), Wis. Stat. All subsequent references to the Wisconsin Statutes are to §940.235, or §940.32(3), §941.21, or §946.465;
 - has not during his/her current period of confinement served a sentence for a violent Class F to Class I felony;
 - has not during his/her current period of confinement served a sentence for a Class C to Class E felony;
 - was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
 - was never found to have committed a sex offense in another jurisdiction;
 - is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats.;
 - was never committed under Chapter 975;
 - is not a violent offender under §16.964(12)(a), Wis. Stats., AND
 - was not determined by the Department of Corrections to pose a high risk of re-offending.

The defendant is therefore eligible for 1 day of positive adjustment time for every 2 days served in confinement.

- ☐ b. a misdemeanor or a Class F to Class I felony, AND
- is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, or a violation of §940.11(1), §940.235, or §940.32(3), §941.21, or §946.465, Wis. Stats.;
 - has not during his/her current period of confinement served a sentence for a Class C to Class E felony;
 - was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
 - was never found to have committed a sex offense in another jurisdiction;
 - is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats., AND
 - was never committed under Chapter 975.

The defendant is therefore eligible for 1 day of positive adjustment time for every 3 days served in confinement.

- ☐ c. a Class C to Class E felony, AND
- is not serving a sentence for an offense against an elderly or vulnerable person, an offense related to ethical government or school safety, felony murder, of a violation of §940.06, §940.302, or §940.31(1), or §948.03(2)(a) or §948.40(4)(a), Wis. Stats.;
 - was never convicted or found not guilty by reason of mental disease or defect of a sex offense;
 - was never found to have committed a sex offense in another jurisdiction;
 - is not required to register under §301.45, Wis. Stats. and is not the subject of a bulletin issued under §301.46(2m), Wis. Stats., AND
 - was never committed under Chapter 975.

The defendant is therefore eligible for 1 day of positive adjustment time for every 5.7 days served in confinement.

2. Within 30 days of receiving the DOC or ERRC notice of approval, the Court notified the DOC or ERRC of its intent to conduct a review hearing.
3. Within 60 days of receiving the DOC or ERRC notice of approval, the Court conducted a review hearing.

THE COURT CONSIDERED:

- the defendant's conduct in prison;
- the defendant's risk of re-offending based on a verified, objective instrument;
- the nature of the defendant's offense, AND
- ☐ Other: _____.

THE COURT ORDERS:

- ☐ 1. The DOC's or ERRC's determination of earned positive adjustment time is **ACCEPTED**. The confinement portion of the defendant's sentence will be reduced by the positive adjustment time determined by the DOC or ERRC. The unserved confinement portion of the defendant's sentence will be added to the extended supervision portion of the sentence. The total length of sentence will not change.
- ☐ 2. The DOC's or ERRC's determination of earned positive adjustment time is **REJECTED**. The confinement portion of the defendant's sentence
- ☐ a. will not change, OR
- ☐ b. will be reduced by _____ days, which is less than the positive adjustment time determined by the DOC or ERRC. The unserved confinement portion of the defendant's sentence will be added to the extended supervision portion of the sentence. The total length of sentence will not change.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL.

BY THE COURT:

DISTRIBUTION:

1. Court – Original
2. Defendant
3. Defendant's attorney
4. District Attorney
5. Department of Corrections/ERRC
6. Other: _____

Circuit Court Judge

Name Printed or Typed

Date